

REMARKS

Reconsideration and allowance in view of the following remarks are respectfully requested.

The April 3, 2003 Office Action rejected claims 1-21, 23-26 under 35 U.S.C. §103(a) as being unpatentable over Arai (Unexamined Japanese Patent No. 8-249530) in view of Vazvan (WO 97/45814) and O'Mahony et al., "Electronic Payment Systems". Applicants believe that the Examiner's assessment of Arai (JP 8-249530) is incorrect. Applicants respectfully maintain that Arai is clearly different from the claimed invention from the following perspectives.

First, the claimed invention describes a system in which an identification module has a **monetary amount stored thereon**, capable of being reloaded (see preamble of claim 1), represents electronic cash that can be **charged directly**. In Arai's system, a user does not possess a module with a monetary amount stored thereon that can be charged directly for an amount corresponding to the price of a desired product. According to Arai's teaching, the mobile telephone set used by a user in purchasing a commodity is merely for identifying the user and transmitting user information to the transceiver means of a vendor machine. Neither the mobile telephone is stored with a monetary amount nor it can be charged directly for the price of a commodity before the commodity is ejected by the vendor machine.

Second, according to Arai, **billing information is transmitted from the automatic vending machine to a charge collection system** (see third paragraph of the summary of the invention, second paragraph of section "solution of the invention", and the last paragraph of section "Effect"). However, according to claim 1, there is no charge collection system and an equivalent thereof. An **electronic transaction amount is transmitted from the mobile radio phone to the terminal** (See claim 1, "transmitting, from said identification module of said mobile radio telephone, an electronic transaction amount to said terminal"). A

transaction document containing a transaction amount is transmitted from the terminal to the service center, where the service center is not an equivalent of the charge collection system.

Third, in Arai's system, the cost of a purchase is **collected** from the client (after the product is delivered) through a centralized charge collection system (see last paragraph of section "Summary of the invention", paragraphs 2, 12, 14, and 37 of section "Solution of the invention"). As mentioned above, Arai claims that "the charge collecting means which collects a charge based on [the] said billing information", wherein the billing information is stored in the information memory after the commodity is ejected (or delivered). In the claimed invention, the cost of a purchase is charged directly to the identification module against a monetary amount stored thereon. The charged amount is then transmitted as a transaction amount to the terminal and is then paid into an account electronically. There is **no collection involved**. This can be seen from the "transmitting an electronic transaction amount", "charging ..", and "paying ..." steps in claim 1.

Fourth, Arai does not teach the feature of a **service center** "**paying** into an account of the terminal after receiving transaction information from the terminal" (see claim 1). Instead, Arai teaches a **charge collection system** that is responsible for **collecting** costs from clients based on billing information determined based on the cost of the commodity ejected (see claim 1, 2, and 3 of Arai, last paragraph of section "Summary of the invention", paragraphs 2, 12, 14, and 37 of section "Solution of the invention").

Fifth, Arai teaches a system in which a product is delivered prior to receiving any payment. This is stated explicitly in multiple locations in Arai (see the last paragraph of section "Summary of the invention", paragraphs 12 and 14 of section "Effect", and the last paragraph of section "Effect of the invention"). This is also clearly evidenced in Arai's claims. In claims 1, 2, and 3, Arai explicitly states that a "charge collecting means" which "collects a charge based on the said billing information and call originating source

identification information”, which are read by “one or more automatic vending machine including control means to control to read said billing information and call originating source identification from said information memory means”, which “is made to store the billing information that corresponds to the value of [the] said ejection commodity, and [the] said call originating source identification information”. Here, the commodity is ejected both before the billing information is stored and before the charge collecting means charges the user according to the billing information. Arai’s system is not capable of delivering a product after a charge has been made for the cost of the product.

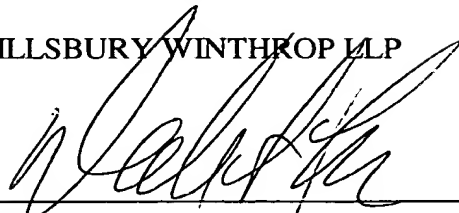
As mentioned in our Response to the Office Action, dated June 3, 2003, other cited references (Vazvan, O’Mahony et al., Yacobi, and Pitroda) do not remedy the discussed deficiencies of Arai. Therefore, Applicants respectfully maintain that the combinations of the cited references fail to disclose, suggest or teach the features discussed above, individually or in combination, as recited in claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 under §103(a) be withdrawn.

Claims 2-21 and 23-26 depend from claim 1. Consequently, claims 2-21 and 23-26 are patentable at least for the reasons stated above with respect to claim 1 and for the additional features recited therein. Therefore, Applicants respectfully request that the rejection of claims 2-21 and 23-26 under §103(a) be withdrawn.

It is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,

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